

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.31752 of 1998

Dated: 10-04-2007

Between:

1. Lalit Kumar Agarwal, s/o Gyasilal Agarwal and 3 others.

... Petitioners

and

1. The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund Road, Basheerbagh, Hyderabad and another.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioners 1 to 4 state that they are owners of the premises bearing P.Nos.21-1-415 to 418, 21-1-825, 21-1-826 and 21-1-824/1 respectively, situated at Rikab Gunj, Hyderabad. There is open space in front of their respective houses and their family members exclusively use the said open space for ingress and egress to their houses and shops and also for parking their vehicles. As the employees of

respondent-Corporation are threatening that they will excavate the whole open space for road widening and encroach the same, even without issuing any notice, they approached this Court and filed the present writ petition seeking a *mandamus* to direct respondents and their employees or any person or persons acting on their behalf not to encroach and make any demolition or construction on the open space approximately admeasuring 600 square yards as shown in the Map marked in red colour in front of the premises bearing P.Nos.21-1-415 to 418, 21-1-825, 21-1-826 and 21-1-824/1 to 6, Rikab Gunj, Hyderabad.

3. Despite the fact that notices are served, respondents have not chosen to file any counter affidavit denying the allegations made in the affidavit filed in support of the writ petition.

4. As no counter affidavit is filed on behalf of respondents, this Court has no option except to accept the contentions put forth by learned counsel for petitioners and accordingly, respondents are directed not to encroach and make any demolition or construction on the open space of approximately admeasuring 600 square yards belonging to petitioners, without issuing any notice and without following the due process under law.

5. Accordingly, the writ petition is allowed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.10-04-2007
GLV